

NOV 12 2004

RCE FILED



**REQUEST
For
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
MAIL STOP RCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

(Revised 09/2003)

Application Number 09/715,909

Filing Date November 17, 2000

First Named Inventor: Flannagan et al.

Art Unit: 1647

Examiner Name: Robert Hayes

Confirmation No.: 5613

Attorney Docket No. 35718/204664(5718-107)

This is a request for **Continued Examination (RCE)** under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - ii. Other
- b. Enclosed
 - i. Amendment w/Appendices A & B
 - ii. Rule 132 Declaration of Cao Guo Yu
 - iii. Information Disclosure Statement (IDS); _____ of cites listed on PTO Form 1449
 - iv. Other

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other

11/12/2004 CNGUYEN 00000144 09715909

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790.00 OP

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge any fee deficiencies, or credit any overpayments to Deposit Account No. 16-0605.
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
(\$790.00 large entity; \$395.00 small entity)
 - ii. Extension of Time Fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other
 - b. Checks in the amount of \$790.00 (for RCE) and \$110.00 (for 1 Mo EOT) are enclosed

Respectfully submitted,

Kathryn L. Coulter

Kathryn L. Coulter
Registration No. 45,889

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| <p>Customer No. 29122 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p> | <p>CERTIFICATE OF EXPRESS MAILING "Express Mail" Mailing Label Number EV184328325US Date of Deposit: November 10, 2004 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 <i>Nora C Martinez</i> Nora C. Martinez</p> |
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/715,909 Confirmation No.: 5613
Applicant(s): Flannagan et al.
Filed: November 17, 2000
Art Unit: 1647
Examiner: Robert C. Hayes
Title: NOVEL BT TOXIN RECEPTORS FROM LEPIDOPTERAN INSECTS AND METHODS OF USE

Docket No.: 35718/204664(5718-107)
Customer No.: 29122

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R § 1.114

This amendment is responsive to the Final Office Action mailed May 14, 2004 and the Advisory Action mailed August 5, 2004. Applicants note that their Amendment After Final mailed June 29, 2004 was not entered. Therefore, the amendments below are shown relative to the claims as they stood following Applicants' Amendment of February 17, 2004.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.